

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 403

SENATE BILL NO. 9

By Black, Burks

Substituted for: House Bill No. 1607

By Maggart, Faulkner, Lollar, Harry Brooks, Niceley

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 7, Part 1, relative to certified medication technicians.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-7-102, is amended by adding the following as new subdivision (13):

(13) Except to the extent that it applies to the administration of medication, an individual who holds a valid medication technician certificate issued under this chapter, if the medication is administered in accordance with the provisions contained in this chapter.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 7, Part 1, is amended by adding the following as a new section:

Section 63-7-1____.

(a) As used in this part, "medication aide certified" means an individual who administers medications as set forth in this section under the general supervision of a licensed nurse pursuant to this section. During the course of administering medication, a medication aide certified shall not be assigned any other non-medication administration duties. A medication aide certified shall not be precluded from responding, as appropriate, to an emergency.

(b) Any nursing home or assisted care living facility licensed pursuant to Title 68 of Tennessee Code Annotated, may use one or more medication aides certified to administer medications, as set forth in this section, to its patients, provided that each and every individual used as a medication aide must hold a current, valid medication aide certificate issued by the board of nursing under this section. The utilization of one or more medication aides certified by a facility shall not serve as a basis for a reduction in a facility's licensed nursing staff.

(c) When carrying out their responsibilities as defined under this section, medication aides certified must wear a name tag visible to others that includes the designation "Medication Aide Certified".

(d) An individual seeking certification as a medication aide shall apply to the board of nursing on a form prescribed and provided by the board, along with the applicable certification fee established by the board.

(e) To be eligible to receive a medication aide certificate, an applicant shall meet all of the following conditions:

(1) Is at least eighteen (18) years of age;

(2) Has completed the twelfth grade or its equivalent or has successfully passed the test for and has received a general equivalency diploma;

(3) Is a nurse aide duly certified under the standards established under federal law and Title 68, Chapter 11, Part 2 of Tennessee Code Annotated, and has practiced as a certified nurse aide in a nursing home or assisted care living facility for a minimum of one (1) year, on a full-time basis, at the time he/she submits an application for certification as a medication aide under this section;

(4) Has successfully completed the course of instruction provided by a training program approved by the board under this section as set forth in subsection (i);

(5) Has passed a standardized examination as described in subsection (j).

(f) If an applicant meets the requirements specified in subsection (d) of this section, the board shall issue a medication aide certificate to the applicant.

(g) A medication aide certificate is valid for two (2) years, unless earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified by the board in rules promulgated by the board under this section. To be eligible for renewal, an applicant shall pay a renewal fee established by the board and shall meet the following continuing competency standards:

(1) Any and all continuing education or continued competency requirements, or both, necessary to maintain nurse aide certification under Title 68, Chapter 11, Part 2 of Tennessee Code Annotated, and the rules promulgated pursuant thereto; and

(2) A total of six (6) contact hours per year of continuing education. Five (5) hours of such education shall be in pharmacology provided by a licensed pharmacist or registered nurse.

(h)(1) The board has the power to deny, revoke or suspend any certificate to practice as a medication aide or to otherwise

discipline such certificate holder, including, but not necessarily limited to, civil monetary penalties, upon proof of the following:

(A) Is guilty of fraud or deceit in procuring or attempting to procure a certificate as a medication aide;

(B) Is guilty of a crime;

(C) Is addicted to alcohol or drugs to the degree of interfering with his/her professional duties;

(D) Is mentally incompetent;

(E) Is unfit or incompetent by reason of negligence, habits or other cause, including the following:

(i) Intentionally or negligently causing physical or emotional injury to a patient;

(ii) Failure to maintain a record for each patient that accurately reflects the medication administration by the medication aide or failure to maintain a record for each patient which accurately reflects the name and title of the aide providing care, or both;

(iii) Unauthorized use or removal of drugs, supplies, or equipment from any licensed nursing home or assisted care living facility;

(iv) The use of any intoxicating beverage or the illegal use of any narcotic or dangerous drug while on duty in any licensed nursing home or assisted care living facility;

(v) Being under the influence of alcoholic beverages, or under the influence of drugs which impair judgment while on duty in any licensed nursing home or assisted care living facility;

(vi) Impersonating another licensed or certified health care provider;

(vii) Revocation, suspension, probation or other discipline of a certificate to practice as a medication aide, or its equivalent, or as a certified nurse aide, by another state for any act or omission which would constitute grounds for the revocation, suspension, probation or other discipline of a certificate in this state;

(viii) Practicing as a medication aide certified in this state on a lapsed certificate;

(ix) Aiding, abetting, or assisting an individual to violate or circumvent any law or duly promulgated rule intended to guide the conduct of any certified or licensed health care provider;

(x) Exercising undue influence on the patient, including the promotion or sale of services, goods, appliances, or drugs in such a manner as to exploit the patient for financial gain of the medication aide or of a third party;

(xi) Discriminating in the rendering of services as it relates to race, age, sex, religion, national origin, or the condition of the patient;

(xii) Violating confidentiality of information or knowledge concerning the patient, except when required to do so by a court of law;

(xiii) Failing to take appropriate action in safeguarding the patient from incompetent health care practices;

(xiv) Failing to report, through proper channels, facts known to the individual regarding incompetent, unethical or illegal practice of any health care provider;

(xv) Performing health care techniques or procedures without proper education and practice; and

(xvi) Engaging in acts of dishonesty which relate to the practice of a medication aide.

(F) Conviction of any one of the following crimes:

(i) First Degree Murder, as in Section 39-13-202;

(ii) Second Degree Murder, as in Section 39-13-210;

(iii) Kidnapping, as in Section 39-13-303;

(iv) Aggravated Kidnapping, as in Section 39-13-304;

(v) Especially Aggravated Kidnapping, as in Section 39-13-305;

(vi) Aggravated Robbery, as in Section 39-13-402;

(vii) Especially Aggravated Robbery, as in Section 39-13-403;

(viii) Aggravated Rape, as in Section 39-13-502; or

(ix) Rape, as in Section 39-13-503.

(H) Furnishing or otherwise providing the board with false or incomplete information on an application for a certificate regarding the individual's criminal conviction record will be denied initial certification or renewal.

(I) Has violated or attempted to violate, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto.

(2) All disciplinary actions taken by the board under this section shall conform to Title 4, Chapter 5, Part 3 of Tennessee Code Annotated, and may be heard by a screening panel pursuant to § 63-7-115(c).

(i)(1) A qualified educational institution seeking approval to provide a medication aide training program shall apply to the board of nursing on a form prescribed and provided by the board, along with the applicable fee established by the board.

(2) The board shall approve the applicant to provide a medication aide training program if they are a qualified educational institution and the content of the course of instruction to be provided by the program meets the standards specified by the board in rules promulgated under this section and includes all of the following:

(A) At least seventy-five (75) clock hours of instruction, consisting of fifty (50) classroom hours and twenty-five (25) clinical hours. The standard minimum curriculum shall include the following:

(i) Communication and interpersonal skills;

(ii) Patient rights related to medication administration;

(iii) The five "rights" of medication administration, including:

- (a) The right person;
- (b) The right drug;
- (c) The right dose;
- (d) The right time;
- (e) The right route; and

(iv) Drug terminology, storage and disposal:

- (a) Medical terminology, symbols, accepted abbreviations;
- (b) Reference resources;
- (c) Principles of safe medication storage and disposal;

(v) Fundamentals of the following body systems, including:

- (a) Gastrointestinal;
- (b) Musculoskeletal;
- (c) Nervous and sensory;
- (d) Urinary/renal;
- (e) Cardiovascular;
- (f) Respiratory;
- (g) Endocrine;
- (h) Male and female reproductive;

and

(i) Integumentary and mucous membranes;

(vi) Basic pharmacology, drug classifications and medications affecting body systems, including:

- (a) Purposes of various medications;

and

(b) Controlled substances;

(vii) Safe administration of medications, including:

(a) Oral medications;

(b) Topical medications;

(c) Proper patient positioning;

(d) Measurement of apical pulse, blood pressure, and pulse oximetry in association with routine medication administration;

(viii) Principles of infection control and standard blood and body fluid precautions;

(ix) Documentation in patients' clinical records of medications administered;

(x) Circumstances in which a medication aide certified should report to, or consult with, a licensed nurse concerning a patient or patients to whom medications are administered, including:

(a) The potential need of a patient for the administration of an as-needed medication, as evidenced by a patient's expression of discomfort or other indication;

(b) A patient exercising the right to refuse medication administration;

(c) Any deviation from the delegation of medication administration instructions;

(d) Any observation about the condition of a patient that should cause concern to a medication aide certified.

(xi) Medication errors, including:

(a) Error prevention through promotion of safe medication administration practices;

(b) Timeliness and manner of reporting medication errors;

(xii) The role of the medication aide certified as set forth in this section, including:

(a) The fact that administration of medication is a nursing function that may only be performed by a medication aide certified when it has been delegated by a licensed nurse in accordance with the provisions of this chapter;

(b) The settings in which medications may be administered by medication aides certified;

(c) The types of medications that may be administered by medication aides certified as well as those that a medication aide certified may not administer; and

(d) The activities associated with the administration of medications that are prohibited for a medication aide certified.

(xiii) Basic life support instruction; and

(B) A supervised clinical practice component of an approved medication aide training program shall be sufficient to assure that students are prepared to administer medications as a medication aide certified in a safe and effective manner, and shall satisfy the following:

(i) The supervised clinical practice component shall consist of twenty-five (25) clock hours, including experience in tasks related to the administration of medication, and shall be conducted under the direction and supervision of a licensed nurse.

(ii) The supervised clinical practice component shall take place in a nursing home or assisted care living facility with which the training program has a written agreement to provide licensed nurse supervision of the student in accordance with this rule;

(iii) While engaged in medication administration, a student shall be under the one-on-one direction and supervision of a licensed nurse.

(iv) During the supervised clinical practice, the licensed nurse supervising the medication aide

student shall periodically inform the faculty member responsible for the student of the student's progress in the supervised clinical practice.

(3) The board may deny, suspend, or revoke the approval granted to the provider of a medication aide certified training program for reasons specified in rules promulgated under this section. All actions taken by the board to deny, suspend, or revoke the approval of a training program shall conform to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(j)(1) The board shall provide or contract for the provision of standardized medication aide examination services as follows:

(A) Publish an annual schedule of examination schedules and sites.

(B) Scheduled tests shall be administered, except when no individual is scheduled to test at a particular test site.

(C) Publish the number of individuals passing and failing the exam on at least a quarterly basis.

(D) The minimum passing grade shall be eighty-five percent (85%) for the examination.

(E) Individuals who fail any portion of the examination two (2) consecutive times shall repeat the course of training as set forth in subsection (i) prior to taking the examination again.

(2) Acting in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, the board shall have rulemaking authority to establish any necessary rules for the administration of this subsection.

(k)(1)(A) Except for the prohibited medications and the methods of medication administration specified in subpart (3) of this subsection, a medication aide who holds a current, valid medication aide certificate issued under this chapter may administer medications as set forth in this section to the residents of nursing homes or assisted care living facilities that use medication aides pursuant to this section. A medication aide shall administer medications only pursuant to delegation by a licensed nurse.

(B) Delegation of medication administration to a medication aide certified shall be carried out in accordance

with the rules for nursing delegation adopted under this chapter by the board of nursing.

(C) A medication aide certified may only administer medication after each resident is evaluated by a licensed nurse on admission and after any change in status or acuity or any change in medication and such licensed nurse makes a determination that it is appropriate for such resident to receive medication by a medication aide certified.

(2) In exercising the authority to administer medications pursuant to nursing delegation, a medication aide certified may administer medications in any of the following categories:

(A) Oral medications;

(B) Topical medications;

(C) Any medications set forth in subdivisions (k)(2)(A) or (k)(2)(B) prescribed with a designation authorizing or requiring administration on an as-needed basis, but only if a nursing assessment of the patient is completed by a nurse licensed under Title 63 before the medication is administered.

(3) A medication aide certified shall not:

(A) Administer medications containing a controlled substance, as defined in Title 63, Chapter 10, Part 2 of Tennessee Code Annotated;

(B) Administer medications when such administration would require a dosage calculation by the medication aide;

(C) Directly receive orders from a physician or other medication prescriber;

(D) Administer barium or other contrast media;

(E) Administer chemotherapeutic agents;

(F) Administer medications administered as drops to the eye, ear, or nose;

(G) Administer rectal and vaginal medications;

(H) Administer medications delivered by metered hand-held inhalers;

(I) Administer medications delivered by Aerosol/Nebulizer;

(J) Apply topical medications ordered for the treatment of pressure ulcers or skin grafts;

(K) Change a dosage amount to adhere to a change in a physician's order;

(4) A medication aide certified shall not, under any circumstances, administer medications by certain methods or routes or both. These include, but are not necessarily limited to, the following:

(A) Injection;

(B) Intravenous;

(C) Central lines;

(D) Intrathecal;

(E) Colostomy;

(F) A surgically placed feeding tube, e.g., gastrostomy, jejunostomy;

(G) Nasogastric;

(H) Non-metered inhaler;

(I) Intradermal;

(J) Urethral;

(K) Epidural;

(L) Endotracheal;

(M) Intramuscular;

(N) Subcutaneous.

(5) A nursing home or assisted care living facility that uses medication aides certified shall not allow medication aides certified to access any controlled substances within the facility.

(I)(1) The board of nursing shall adopt rules to implement the provisions of this section. Initial rules shall be approved for a rulemaking hearing later than February 1, 2010.

(2) The rules adopted under this section shall establish or specify the following:

(A) Fees, in an amount sufficient to cover the costs the board incurs in implementing the provisions of this section;

(B) Procedures for renewal of medication aide certificates;

(C) Grounds for discipline of applicants and/or certificate holders;

(D) Standards for approval of peer support programs for the holders of medication aide certificates;

(E) Procedures for approval or denial of medication aide training programs.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.

PASSED: May 28, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 11th day of June 2009



PHIL BREDESEN, GOVERNOR